APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/723,284	11/28/2000	Yves Audebert	L741.00101	5552

7590 04/08/2004	**EXAMINER**
Stevens, Davis, Miller and Mosher, LLP	AKPATI, ODAICHE T

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ART UNIT	PAPER NUMBER
2135	

DATE MAILED: 04/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.		Applicant(s)	
Office Action Summary	09/723,284		AUDEBERT, YVES	
	Examiner		Art Unit	
	Tracey Akpati		2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 November 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

       1.☒ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United
States before the invention thereof by the applicant for patent, or on an international application by another who
has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention
thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA

35 U.S.C. 102(e)).

Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated Lee et al (6611914

B1).

With respect to Claim 1, the limitation of "at least one terminal including data processing

means for executing at least part of said program" is met by Fig. 1; and "first memory means

associated with said program for storing at least first credentials specific to said user" is met on

column 1, lines 60-61; and "access control means for authorizing access to said program in

response to a match between said first credentials stored in said first memory means and second

credentials applied via said terminal to said program" is met on column 3, lines 35-40 and on

Fig. 8, reference number 806; and "at least one security device personal to said user, associated

with said terminal and including second memory means for secure storage of said second

credentials" is met on column 1, lines 60-67, column 2, lines 1-4 and on Fig. 8, reference number

806. Further limitation of "said terminal including means for reading and transmitting

credentials to read said second credentials stored in said second memory means and transmit

them to said access control means in response to presentation of a request to access said

program" is met on column 3, lines 54-67 and on column 4, lines 1-5; and "credentials updating

means for selectively commanding the generation and loading into said first and second memory

means of new credentials replacing said first and second credentials previously stored" is met on

column 10, lines 66-67 and on column 11, lines 1-38.

With respect to Claim 2, the limitation of "wherein said access control means authorize

access to said program in response to identity of said first and second credentials" is met by Fig.

8.

With respect to Claim 3, the limitation of "wherein said second memory means store a

first identification code of said user, said terminal includes interface means for applying a second

identification code to said personal security device and said personal security device" is met on

column 3, lines 35-38 and 57-64. Further limitation of "personal security device comprises

identification code validation means, access to said personal security device being authorized by

said validation means in response to identity of said first and second identification codes" is met

on column 4, lines 56-67 and on column 5, line 1.

With respect to Claim 4, the limitation of "wherein said credentials updating means

comprises generating means to generate said new credentials automatically and to transmit them

directly to said first and second memory means without communicating said new credentials to said user" is met on column 10, lines 62-67 and on column 11, lines 1-11.

With respect to Claim 5, the limitation of "wherein said credentials management means are software means forming part of said program" is met on column 1, lines 23-27.

With respect to Claim 6, the limitation of "wherein said credentials updating means comprises generating means to generate and load said new credentials into said first and second memory means consecutively upon authorization of access by said access control means" is met on column 10, lines 62-67 and on column 11, lines 1-38.

With respect to Claim 7, the limitation of "inhibitor means for authorizing generation of said new credentials by said updating means only after a particular time has elapsed since the generation of said credentials stored in said memory means" is met by Fig. 11B and on column 10, lines 62-65.

With respect to Claim 8, the limitation of "wherein said credentials management means are software means independent of said program" is met on column 2, lines 20-28. The keyboard program and computer program in the reference are two separate processes and hence independent processes.

With respect to Claim 9, the limitation of "wherein said credentials management means are software means independent of said program" is met on column 2, lines 20-28; and "said credentials updating means comprises generating means to generate and load said new credentials into said first and second memory means consecutively upon validation of said identification code by said validation means" is met on column 11, lines 5-11.

With respect to Claim 10, the limitation of "inhibitor means for authorizing generation of said new credentials by said updating means only after a particular time has elapsed since the generation of said credentials stored in said memory means" is met by Fig. 11B and on column 10, lines 62-65.

With respect to Claim 11, the limitation of "wherein said program is stored and executed wholly within said terminal for local execution of said application" is met inherently on column 1, lines 29-31 and 61-65.
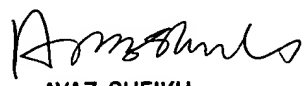
With respect to Claim 12, the limitation of "wherein said system includes at least one server and transmission means for transmitting data between said terminal and said server, said program is stored and executed partly in said terminal and partly in said server, and said first memory means are associated with said server" is met inherently on column 3, lines 59-65. The computer represents the server while the keyboard represents the terminal. The first memory is inherently present in the IC card.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tracey Akpati whose telephone number is 703-305-7820. The examiner can normally be reached on 8.30am-6.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 703-305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OTA

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